



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,138	03/27/2001	Sang Hoo Dhong	Y0R920000569US1	7088
21254	7590	05/03/2004		
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER	GROSS, KENNETH A

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/817,138 Examiner Kenneth A Gross	Applicant(s) DHONG ET AL. Art Unit 2122
--	--

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
|--|--|

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: Claim 6 recites “communicatiing” on line 2 of the Claim, which is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19-22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnhill (U.S. Patent Number 6,128,608).

In regard to Claim 19, Barnhill teaches: (a) a first computer terminal (Column 18, lines 2-24) permitting an originator to enter problem data describing a problem to be solved (Figure 1, item 102), said data including verification criteria (Figure 1, item 114, and associated text) and comparison criteria (Figure 3, item 312, and associated text) and to transmit said problem data.

In regard to Claim 20, Barnhill teaches a software tool to verify said result against said verification data (Column 8, lines 56-67).

Art Unit: 2122

In regard to Claim 21, Barnhill teaches ranking more than one problem solution based on said comparison criteria (Column 12, lines 3-12).

In regard to Claim 22, Claim 22 contains limitations that have already been addressed in the rejection of Claim 19, and Claim 22 is rejected for the same reasons as Claim 19.

In regard to Claim 24, Claim 24 is a medium Claim that corresponds with system Claim 19, and Claim 24 is rejected for the same reasons as Claim 19, where Barnhill teaches a medium for said system of Claim 19 (Figure 12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makiyama et al. (U.S. Patent Number 5,987,181) in view of Leprince et al. (U.S. Patent Number 5,911,074).

In regard to Claim 1, Makiyama teaches: (a) inputting problem data into at least one preselected vendor's set of software tools (Column 29, lines 62-65); (b) if more than one vendor has been preselected, comparing resultant solutions and selecting the optimum solution based on a criteria provided in said provided data (Column 10, lines 25-37). Makiyama does not teach selectively converting problem data into a format appropriate for at least one preselected vendor's set of software tools. Leprince, however, does teach converting input data into a format

Art Unit: 2122

suitable for a certain tool (Column 1, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of inputting problem data into at least one preselected vendor's set of software tools, where if more than one vendor has been preselected, comparing resultant solutions and selecting the optimum solution based on a criteria provided in said provided data, as taught by Makiyama, further selectively converting problem data into a format appropriate for at least one preselected vendor's set of software tools, as taught by Leprince, since this allows the tool to process the data in the necessary format.

In regard to Claim 10, Makiyama teaches: (a) means for exercising a problem description on a plurality of vendors' software tool packages (Column 29, lines 62-65); and (b) means for ranking the results of a plurality of vendor's software tool packages (Abstract, lines 12-18). Makiyama does not teach converting a problem description into a format suitable for tools for a plurality of vendors. Leprince, however, does teach converting input data into a format suitable for a certain tool (Column 1, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build a system with means for exercising a problem description on a plurality of vendors' software tool packages and means for ranking the results of a plurality of vendor's software tool packages, as taught by Makiyama, where the system further performs converting a problem description into a format suitable for tools for a plurality of vendors, as taught by Leprince, since this allows the tool to process the data in the necessary format.

Art Unit: 2122

6. Claims 2-7 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makiyama et al. (U.S. Patent Number 5,987,181) in view of Leprince et al. (U.S. Patent Number 5,911,074) and further in view of Bolling et al. (U.S. Patent Number 4,967,368).

In regard to Claim 2, Makiyama and Leprince teach the method of Claim 1, but do not specifically teach receiving said problem data from a decision maker. Bolling, however, does teach receiving problem data from a user needing a solution (Column 2, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, where problem data is received from a decision maker, as taught by Bolling, since the decision maker has information about the problem that needs to be solved by a software tool.

In regard to Claim 3, Makiyama teaches a network connection that connects a coding apparatus, which transmits input data to be decoded by a decoding apparatus along with a decoding tool (Figure 16).

In regard to Claim 4, Makiyama and Leprince teach the method of Claim 1, but do not specifically teach forwarding a result to a decision maker. Bolling, however, does teach transmitting a result from an expert system to a user based on problem data (Column 2, lines 11-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, where a result is forwarded to the decision maker, as taught by Bolling, since this allows the decision maker to obtain a solution to their inputted problem.

In regard to Claim 5, Bolling teaches that the result comprises the resultant solutions from at least one vendor's set of software tools Column 2, lines 11-16), where the solution comprises an optimum solution, as taught by Makiyama (Column 10, lines 25-37).

In regard to Claim 6, Makiyama teaches a network connection that connects a coding apparatus with a decoding apparatus, which equates to a decision maker and a software tool (Figure 16).

In regard to Claim 7, Makiyama teaches a coding/decoding system which comprises a variety of tool packages and provides an optimized solution, thus acting as a single solutions provider (Column 10, lines 25-37).

In regard to Claim 13, Bolling teaches that the result comprises the resultant solutions from at least one vendor's set of software tools Column 2, lines 11-16), where the solution comprises an optimum solution, as taught by Makiyama (Column 10, lines 25-37), as well as ranking results (Figure 19).

In regard to Claims 11, 14, 12, 15, and 16, these Claims are system Claims that correspond with method Claims 2, 3, 4, 6, and 7, respectively, and the Claims are rejected for the same reasons as Claims 2, 3, 4, 6, and 7, respectively, where Makiyama teaches a system for carrying out said method of Claims 2, 3, 4, 6, and 7 (Figure 11).

7. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makiyama et al. (U.S. Patent Number 5,987,181) in view of Leprince et al. (U.S. Patent Number 5,911,074) and further in view of Bolling et al. (U.S. Patent Number 4,967,368) and Haught et al. (U.S. Patent Number 6,584,467).

In regard to Claim 8, Makiyama, Leprince, and Bolling teach the method of Claim 2, but do not teach sending problem data to a plurality of vendors, each of which exercises said problem data in said vendor's software tool package. Haught, however, does teach sending problem data to information vendors to exercise the data (Figure 3, item 310). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 2, where the method further includes sending problem data to a plurality of vendors, each of which exercises said problem data in said vendor's software tool package, as taught by Haught, since this allows vendors to provide vendor-specific information to a user, without the need for the user to have the tool installed locally.

In regard to Claim 17, this Claim is a system Claims that corresponds with method Claim 17 and the Claim is rejected for the same reason as Claim 8, where Makiyama teaches a system for carrying out said method of Claim 8 (Figure 11).

8. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makiyama et al. (U.S. Patent Number 5,987,181) in view of Leprince et al. (U.S. Patent Number 5,911,074) and further in view of Bolling et al. (U.S. Patent Number 4,967,368), Haught et al. (U.S. Patent Number 6,584,467), and Barnhill (U.S. Patent Number 6,128,608).

In regard to Claim 9, Makiyama, Leprince, Bolling, and Haught teach the method of Claim 8, but do not explicitly teach forwarding a solution to a predestinated solutions provider who determines, based on said criteria, an optimal solution from the plurality of solutions. Barnhill, however, teaches determining an optimal solution from a set of solutions (Column 20, lines 30-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 8, further forwarding a solution to a

Art Unit: 2122

predestinated solutions provider who determines, based on said criteria, an optimal solution from the plurality of solutions, as taught by Barnhill, since this allows an optimal tool to be recognized and used for other solutions.

In regard to Claim 18, this Claim is a system Claims that corresponds with method Claim 9 and the Claim is rejected for the same reason as Claim 9, where Makiyama teaches a system for carrying out said method of Claim 8 (Figure 11).

9. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhill (U.S. Patent Number 6,128,608) in view of Leprince et al. (U.S. Patent Number 5,911,074).

In regard to Claim 23, Barnhill teaches an oversight module exercising said problem description on a plurality of vendor software package tools (Column 19, lines 22-25) and a ranker module for sorting and ranking results of said plurality of vendor's software packages (Column 12, lines 3-12). Barnhill does not teach a converter providing a problem description a format suitable for a software tool package for a plurality of predetermined vendors. Leprince, however, does teach converting input data into a format suitable for a certain tool (Column 1, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build a system comprising an oversight module exercising said problem description on a plurality of vendor software package tools and a ranker module for sorting and ranking results of said plurality of vendor's software packages, as taught by Barnhill, further comprising a converter providing a problem description a format suitable for a software tool package for a plurality of predetermined vendors, as taught by Leprince, since this allows the tool to process the data in the necessary format.

Art Unit: 2122

In regard to Claim 25, Claim 25 is a medium Claim that corresponds with system Claim 23, and Claim 25 is rejected for the same reasons as Claim 23, where Barnhill teaches a medium for said system of Claim 23 (Figure 12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAG

WYZ
WEI Y. ZHEN
PRIMARY PATENT EXAMINER